

REBECCA 'BECKY' GRAY  
SCOTT COUNTY CIRCUIT CLERK  
P O BOX 371  
FOREST MS 39074  
601.469.3601(OFFICE)  
601.469.5188 (FAX)

DECEMBER 20, 2019

IN THE CIRCUIT COURT OF SCOTT COUNTY, MISSISSIPPI

TITIANIA DENHAM, IND & ON BEHALF  
OF THE WRONGFUL DEATH BENEFICIARIES OF  
CHAVARUS DENHAM AND THE ESTATE OF  
CHAVARUS DENHAM

PLAINTIFF

VS.

NO. 2019-CV-338-SC-CC

CITY OF FOREST POLICE DEPARTMENT  
DEANDRE WILSON AND JOHN DOES 1-10

DEFENDANT

I, REBECCA 'BECKY' GRAY, CIRCUIT CLERK OF SCOTT COUNTY, MS,  
DO HEREBY CERTIFY THAT THESE ARE TRUE AND CORRECT  
DOCUMENTS FILED IN THE ABOVE STYLED AND NUMBERED CASE.

GIVING UNDER MY HAND AND OFFICIAL SEAL, THIS THE 20<sup>TH</sup> DAY OF  
DECEMBER 2019.

*Rebecca 'Becky' Gray*

REBECCA 'BECKY' GRAY, CIRCUIT CLERK  
SCOTT COUNTY, MISSISSIPPI



IN THE CIRCUIT COURT OF SCOTT COUNTY, MISSISSIPPI

AUG 27 2019

REBECCA "BECKY" GRAY, CIRCUIT CLERK

TITANIA DENHAM, Individually  
and on behalf of the Wrongful Death Beneficiaries  
of CHAVARUS DENHAM, and  
the Estate of CHAVARUS DENHAM

PLAINTIFFS

VS.

CIVIL ACTION NO.: 2019-CV-338-SCC

CITY OF FOREST POLICE DEPARTMENT  
DEANDRE WILSON AND JOHN DOES 1-10

DEFENDANTS

**COMPLAINT**

COMES NOW Plaintiffs, by and through counsel, and file this Complaint, and for their claim for relief against the defendants herein, would respectfully show the following:

**PARTIES**

1. Plaintiff, Titania Denham, is an adult resident citizen of Scott County, Mississippi. Plaintiff and her minor children are heirs and wrongful death beneficiaries of the decedent, Chavarus Denham.
2. Defendant, City of Forest, is a municipal corporation, within the State of Mississippi, with the capacity to sue and be sued, which at all times relevant employed one or more of the Defendants. Pursuant to Rule 4 of the Mississippi Rules of Civil Procedure, the City of Forest may be served with process of this Court by serving Faye Johnson, City Clerk, 120 South Davis Street, Forest, MS 39074.

3. Defendants, John Does 1-10 are unknown individuals and/or entities liable to the Plaintiffs for the acts and omissions as alleged herein. The names and capacities of Defendants John Does 1-10 inclusive, whether individual, corporate or otherwise, are presently unknown to Plaintiffs, who, therefore sue said Defendants by fictitious names and will further seek leave of this Court to amend this Complaint to show their true names and capacities when the same are ascertained. Plaintiffs allege upon information and belief each of the Defendants designated herein as a Doe is responsible in some manner and liable herein to Plaintiffs by reason of negligence, gross negligence, wanton and reckless misconduct, and/or in some other manner whether alleged herein in this Complaint or not, and by such wrongful conduct, said Defendants, each of them, proximately caused the injury and damages occasioned to Plaintiffs herein.

#### **JURISDICTION AND VENUE**

4. Venue is proper in the County Court of Scott County, Mississippi pursuant to Section 11-11-3 of the Mississippi Code, as this cause of action in tort accrued within said County.

#### **FACTS**

5. Upon information and belief, on or about June 7, 2018, Chavarus Denham was found in his truck, on West Oak Street, by Officer Deandre Wilson, who was employed with the City of Forest Police Department, upon sustaining a gunshot



wound. As a result of said wound, Mr. Denham died. Upon information and belief, Mr. Denham's death was caused by, Deandre Wilson, a City of Forest Police Officer.

#### FIRST CAUSE OF ACTION

6. Defendants, Deandre Wilson, individually, by and through their willful and unreasonable conduct, and errors of omission and commission as described above, while acting under color of law in their official capacities as officers of the law in the employ of the City of Forest, Mississippi, violated Plaintiff's civil rights by:
  - (a) effecting a deliberate, malicious, and unlawful seizure of Plaintiff; and
  - (b) effecting a deliberate, malicious, and unlawful detention and arrest of Plaintiff with and through the use of excessive force.
7. Defendants, Deandre Wilson and City of Forest, as a matter of policy, custom and practice have, with deliberate indifference, failed to adequately discipline, train or otherwise direct police officers concerning the rights of citizens, thereby causing the violations to Plaintiff's civil rights.
8. Defendants, Deandre Wilson and City of Forest, exercised and acted with deliberate indifference to Plaintiff's civil rights by failing to provide adequate and reasonable procedures for hiring, training, supervision and discipline of police officers, failing to make and enforce policies and standards of police behavior designed to prevent unnecessary, unreasonable and unjustifiable

injury to citizens, failing to establish adequate procedures for and to conduct thorough internal investigations and reviews of incidents which involve injury and/or death to citizens, and failing to prohibit the use of excessive force against citizens.

9. Defendants, had actual or constructive knowledge of the persistent, widespread practice of the use of excessive force by the Forest Police Officers, and are therefore liable for the injuries and damages to Plaintiff.
10. The actions of defendants, acting under color of state law, deprived Plaintiff of his rights, privileges and immunities under the laws and Constitution of the United States of America, in particular, the rights to be secure in his person and property, to be free from the excessive use of force, and to due process of law. By its actions, defendants have deprived plaintiff of rights secured by the Fourth, Fifth, Ninth, and Fourteenth Amendments to the United States Constitution, in violation of 42 U.S.C. § 1983.
11. At all times relevant herein, the defendants acted wilfully, maliciously, wantonly, unreasonably, recklessly, and with deliberate indifference to the rights of Plaintiff.
12. The acts and failures to act described herein were the direct and proximate cause of the damages and injuries to the Plaintiff.
13. The defendants are liable to Plaintiff jointly and severally for the wrongs complained of herein.

#### SECOND CAUSE OF ACTION

14. Plaintiffs reallege and incorporates paragraphs 1 through 13 of the Complaint.
15. On or about May 15, 2019, Plaintiff mailed a notice of a claim, pursuant to Miss. Code Ann. § 11-46-11. The notice of claim was received by the City Clerk of the

City of Forest,. Ninety (90) days have passed since the mailing of the notice to the defendants.

16. Defendants acted in reckless disregard for the safety and well-being of Plaintiff. Plaintiff was not engaged in criminal activity at the time of the beating.
17. The shooting of Chavarus Denham constituted an assault and battery.
18. The shooting of Chavarus Denham constituted an intentional infliction of emotional distress.
19. The actions of defendants deprived Chavarus Denham of his rights, privileges and immunities under the laws and Constitution of the State of Mississippi, in particular, the rights to be secure in his person and property, to be free from the excessive use of force, and to due process of law. By its actions, defendants have deprived plaintiff of rights secured by Article 3, Sections 14, 23, and 32 of the Constitution of the State of Mississippi.
20. Defendants, at the time of the beating were acting in the course and scope of his employment with the City of Forest, Mississippi, and the City of Forest, Mississippi is liable for the actions of defendants.
21. Defendants were at all relevant times set forth herein inadequately trained, supervised and disciplined. Based upon these inadequate procedures, defendants, John Does, should not have been hired and allowed to perform as police officers. The City of Forest knew or should have known that defendants, john does, were inappropriately hired, trained, disciplined, and supervised.
22. The defendant's actions and inactions were a direct and proximate cause of the injuries and damages of Plaintiff, and constituted negligence, gross negligence, recklessness, and intentional torts, all in violation of the statutory and common



law of the State of Mississippi.

#### DAMAGES

23. Plaintiffs reallege and incorporates paragraphs 1 through 22 of the Complaint.
24. As a direct and proximate cause of the actions of defendants, Plaintiff suffered injuries and damages. Plaintiff is entitled to recover damages, for the following:
  - (a) medical expenses;
  - (b) pain and suffering; and
  - (c) mental and emotional distress; and
  - (d) lost income
25. The actions and inactions of Defendants were intentional, wilful, malicious, deliberately indifferent, and done in callous disregard for Plaintiff's rights and safety that Plaintiff is entitled to punitive damages.
26. Plaintiffs request cost of court, reasonable attorneys' fees and expenses, pursuant to 42 U.S.C. § 1988 and state law.
27. Plaintiffs further requests any other relief that the Court deems just and appropriate, based upon the circumstances.

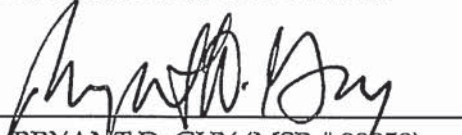
WHEREFORE, PREMISES CONSIDERED, Plaintiffs request a judgment be entered against all defendants, individually, severally and jointly, for actual and compensatory damages, plus prejudgement and post judgment interest, attorney fees, expenses and all costs accrued in this action, and any other relief which the Court and Jury deems just and appropriate.

This, the 26th day of August, 2019.

Respectfully submitted,

TITANIA DENHAM, Individually  
and on behalf of the Wrongful Death Beneficiaries  
of CHAVARUS DENHAM, and  
the Estate of CHAVARUS DENHAM

BY: \_\_\_\_\_

  
BRYANT D. GUY (MSB # 99858)  
COUNSEL FOR THE PLAINTIFFs

OF COUNSEL:

BRYANT D. GUY, ATTORNEY AT LAW, PLLC  
POST OFFICE BOX 10173  
JACKSON, MS 39286-0173  
TELEPHONE (601) 969-6960  
FACSIMILE (601) 969-6959



## COVER SHEET

## Civil Case Filing Form

(To be completed by Attorney/Party  
Prior to Filing of Pleading)

Mississippi Supreme Court

Form AOC/01

Administrative Office of Courts

(Rev 2016)

Court Identification Docket #

028019

County Judicial Court ID  
District (CH, CI, CO)

082019

Month Date Year

This area to be completed by clerk

Case Year

2019

Docket Number

338

000

Local Docket ID

In the

Circuit

Court of

Scott

County

Judicial District

## Origin of Suit (Place an "X" in one box only)

☒ Initial Filing  
☐ Remanded☐ Reinstated  
☐ Reopened☐ Foreign Judgment Enrolled  
☐ Joining Suit/Action☐ Transfer from Other court  
☐ Appeal☐ Other

## Plaintiff - Party(ies) Initially Bringing Suit Should Be Entered First - Enter Additional Plaintiffs on Separate Form

Individual

Deaham

Titawo

Last Name

First Name

Maiden Name, if applicable

M.I.

Jr/Sr/III/IV

☐ Check (x) if Individual Plaintiff is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:  
Estate of☐ Check (x) if Individual Plaintiff is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity:  
D/B/A or Agency

Business

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated

☐ Check (x) if Business Plaintiff is filing suit in the name of an entity other than the above, and enter below:  
D/B/A

Address of Plaintiff

Attorney (Name &amp; Address)

Bryce D. Bump, Atty at Law PLLC 7081073 Jm MS

MS Bar No.

99858

☐ Check (x) if Individual Filing Initial Pleading is NOT an attorney

39286

Signature of Individual Filing:

Bryce D. Bump

## Defendant - Name of Defendant - Enter Additional Defendants on Separate Form

Individual

Last Name

First Name

Maiden Name, if applicable

M.I.

Jr/Sr/III/IV

☐ Check (x) if Individual Defendant is acting in capacity as Executor(trix) or Administrator(trix) of an Estate, and enter style:  
Estate of☐ Check (x) if Individual Defendant is acting in capacity as Business Owner/Operator (d/b/a) or State Agency, and enter entity:  
D/B/A or Agency

Business

City of Forest

Enter legal name of business, corporation, partnership, agency - If Corporation, indicate the state where incorporated

☐ Check (x) if Business Defendant is acting in the name of an entity other than the above, and enter below:  
D/B/A

Attorney (Name &amp; Address) - If Known

MS Bar No.

☐ Check (x) if child support is contemplated as an issue in this suit.\*

\*If checked, please submit completed Child Support Information Sheet with this Cover Sheet

## Nature of Suit (Place an "X" in one box only)

Domestic Relations

- ☐
- Child Custody/Visitation
- 
- ☐
- Child Support
- 
- ☐
- Contempt
- 
- ☐
- Divorce: Fault
- 
- ☐
- Divorce: Irreconcilable Diff.
- 
- ☐
- Domestic Abuse
- 
- ☐
- Emancipation
- 
- ☐
- Modification
- 
- ☐
- Paternity
- 
- ☐
- Property Division
- 
- ☐
- Separate Maintenance
- 
- ☐
- Term. of Parental Rights-Chancery
- 
- ☐
- UIFSA (eff 7/1/97; formerly URESA)
- 
- ☐
- Other

Business/Commercial

- ☐
- Accounting (Business)
- 
- ☐
- Business Dissolution
- 
- ☐
- Debt Collection
- 
- ☐
- Employment
- 
- ☐
- Foreign Judgment
- 
- ☐
- Garnishment
- 
- ☐
- Replevin
- 
- ☐
- Other

Probate

- ☐
- Accounting (Probate)
- 
- ☐
- Birth Certificate Correction
- 
- ☐
- Mental Health Commitment
- 
- ☐
- Conservatorship
- 
- ☐
- Guardianship
- 
- ☐
- Heirship
- 
- ☐
- Intestate Estate
- 
- ☐
- Minor's Settlement
- 
- ☐
- Muniment of Title
- 
- ☐
- Name Change
- 
- ☐
- Testate Estate
- 
- ☐
- Will Contest
- 
- ☐
- Alcohol/Drug Commitment (Involuntary)

☐ Alcohol/Drug Commitment (Voluntary)  
☐ Other

Children/Minors - Non-Domestic

- ☐
- Adoption - Contested
- 
- ☐
- Adoption - Uncontested
- 
- ☐
- Consent to Abortion
- 
- ☐
- Minor Removal of Minority
- 
- ☐
- Other

Civil Rights

- ☐
- Elections
- 
- ☐
- Expungement
- 
- ☐
- Habeas Corpus
- 
- ☐
- Post Conviction Relief/Prisoner
- 
- ☐
- Other

Contract

- ☐
- Breach of Contract
- 
- ☐
- Installment Contract
- 
- ☐
- Insurance
- 
- ☐
- Specific Performance
- 
- ☐
- Other

Statutes/Rules

- ☐
- Bond Validation
- 
- ☐
- Civil Forfeiture
- 
- ☐
- Declaratory Judgment
- 
- ☐
- Injunction or Restraining Order
- 
- ☐
- Other

Real Property

- ☐
- Adverse Possession
- 
- ☐
- Ejectment
- 
- ☐
- Eminent Domain
- 
- ☐
- Eviction
- 
- ☐
- Judicial Foreclosure
- 
- ☐
- Lien Assertion
- 
- ☐
- Partition
- 
- ☐
- Tax Sale: Confirm/Cancel
- 
- ☐
- Title Boundary or Easement
- 
- ☐
- Other

Torts

- ☐
- Bad Faith
- 
- ☐
- Fraud
- 
- ☐
- Intentional Tort
- 
- ☐
- Loss of Consortium
- 
- ☐
- Malpractice - Legal
- 
- ☐
- Malpractice - Medical
- 
- ☐
- Mass Tort
- 
- ☐
- Negligence - General
- 
- ☐
- Negligence - Motor Vehicle
- 
- ☐
- Premises Liability
- 
- ☐
- Product Liability
- 
- ☐
- Subrogation
- 
- ☒
- Wrongful Death
- 
- ☐
- Other



IN THE COUNTY COURT OF SCOTT COUNTY, MISSISSIPPI

TITIANIA DENHAM, Individually  
And on behalf of the Wrongful Death beneficiaries  
Of CHAVARUS DENHAM, and  
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PLAINTIFF

VS.

CIVIL ACTION NO. 2019-CV-338-SC-CC

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DEFENDANTS

CIVIL SUBPOENA

STATE OF MISSISSIPPI  
COUNTY OF SCOTT

To Any Lawful officer or Other Persons Authorized to Serve Subpoenas:

WE COMMAND YOU TO SUMMON:

City of Forest Police Department  
Records Custodian  
120 South Davis Street  
Forest, MS 39074

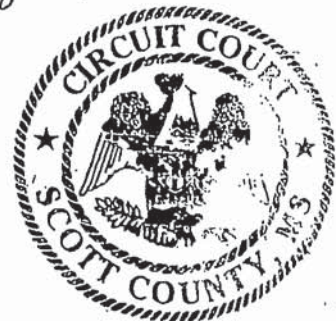
You are hereby commanded to produce for inspection and/or copy on or before October 20, 2020 at the law office of  
Bryant Guy, 308 E. Pearl Street, Ste 203 Jackson, MS 39201 or via mail to POB 10173 Jackson, MS, 39286, any  
and all documents, reports, autopsy, or other tangible things which are in your possession or under your control  
pertaining to the death of Chavarus Denham.

Witness my signature and seal of office this the 30 day of September, 2019.

*Rebecca Becky Gray*  
REBECCA GRAY, CIRCUIT CLERK  
SCOTT COUNTY, MISSISSIPPI

*Jessa Benford, SC*

BRYANT D. GUY (MSB# 99858)  
ATTORNEY FOR PLAINTIFF  
ATTORNEY AT LAW, PLLC  
POST OFFICE BOX 10173  
JACKSON, MS 39286-0173  
TELEPHONE: (601) 969-6960  
FACSMILE: (601) 969-6959



IN THE CIRCUIT COURT OF SCOTT COUNTY, MISSISSIPPI

TITIANIA DENHAM, Individually  
And on behalf of the Wrongful Death beneficiaries  
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DEFENDANTS

SUMMONS

THE STATE OF MISSISSIPPI

TO: Faye Johnston, City Clerk  
City of Forest  
120 South Davis Street  
PO Box 298  
Forest, MS 39074

NOTICE TO DEFENDANT(S)

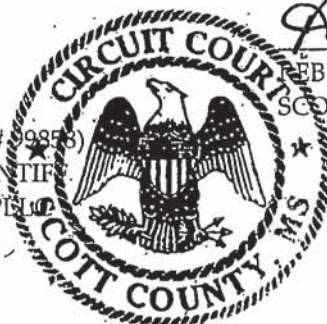
THE COMPLAINT AND DISCOVERY WHICH IS ATTACHED TO THIS SUMMONS IS  
IMPORTANT AND YOU MUST TAKE IMMEDIATE ACTION TO PROTECT YOUR RIGHTS.

You are required to mail or hand deliver a copy of a written response to the Complaint and  
Discovery to Bryant D. Guy, Attorney at Law, PLLC, attorney for the Plaintiff(s), whose post office  
address is Post Office Box 10173, Jackson, Mississippi 39286-0173, and whose telephone number is  
(601) 969-6960. Your response must be mailed or delivered within forty-five (45) days from the date of  
delivery of this summons, complaint and discovery or a judgment by default will be entered against  
you for the money or other things demanded in the complaint.

You must also file the original of your response with the Clerk of this Court within a  
reasonable time afterward.

Issued under my hand and the seal of said Court, this 13<sup>th</sup> day of December, 2019.

BRYANT D. GUY (MSB# 99858)  
ATTORNEY FOR PLAINTIFF  
ATTORNEY AT LAW, PLLC



REBECCA GRAY, CIRCUIT CLERK  
SCOTT COUNTY, MISSISSIPPI

*Rebecca Becky Gray*  
*James Benford, SC*